

EXHIBIT 1

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY
DOCKET NO. MID-L-003809-18AS

KAYME A. CLARK and)
DUSTIN W. CLARK,) 104 HEARING
)
Plaintiffs,) TRANSCRIPT OF
) PROCEEDINGS
v.)
) (VOLUME II)
)
JOHNSON & JOHNSON, et al.,)
et al.,)
)
Defendants.)

Place: Middlesex County Courthouse
56 Paterson Street
New Brunswick, New Jersey 08903

Date: May 30, 2024
9:01 a.m.

B E F O R E:

HONORABLE ANA C. VISCOMI, J.S.C.

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<div>Page 252</div> <div>1 APPEARANCES: 2 DEAN OMAR BRANHAM SHIRLEY LLP BY: BENJAMIN BRALY, ESQ. 3 302 North Market Street Suite 300 4 Dallas, Texas 75202 Attorneys for Plaintiffs 5 6 7 8 KING & SPALDING BY: MORTON D. DUBIN II, ESQ. 9 KEVIN HYNES, ESQ. 1185 Avenue of the Americas 10 34th Floor New York, New York 10036 11 -AND- McCARTER & ENGLISH 12 BY: JOHN C. GARDE, ESQ. Four Gateway Center 13 100 Mulberry Street Newark, New Jersey 07102 14 Attorneys for Defendant, Johnson & Johnson 15 16 17 ALSO PRESENT: MARK BIBRO, ESQ. EARLY, LUCARELLI, 18 SWEENEY & MEISENKOTHEN 19 20 21 22 23 24 25</div>	<div>Page 254</div> <div>1 EXHIBITS 2 NUMBER DESCRIPTION ID 3 P-3 ISO table 345 4 5 P-6 Appendices to White Paper 266 6 7 P-20 Deer, Howie and Zussman 8 page from textbook 257 9 10 P-31 Decades of Evidence chart 264 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div>
<div>Page 253</div> <div>1 INDEX 2 3 WITNESSES DIRECT CROSS REDIRECT RECROSS 4 5 WILLIAM EDWARD LONGO 6 7 EXAMINATION BY: 8 MR. BRALY 256 342, 353 9 MR. DUBIN 273 350 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div>	<div>Page 255</div> <div>1 THE COURT: Good morning, everyone. 2 My name is Judge Ana Viscomi. We are here with 3 regard to the continued 104 hearing of Dr. William 4 Longo in the matter of Kayme Clark and Dustin Clark 5 versus Johnson & Johnson, Docket Number 3809-18. 6 May I have appearances, please, on 7 behalf of plaintiff. 8 MR. BRALY: Your Honor, on behalf of 9 the Clark family I'm here, Benjamin Braly. 10 THE COURT: Thank you. 11 Further on behalf of the plaintiff? 12 MR. BRALY: Mr. Bibro is here from 13 the Early firm. 14 THE COURT: I'm sorry. Could you 15 state your name again, please. 16 MR. BIBRO: Mark Bibro from the Early 17 firm. 18 THE COURT: Thank you. 19 And for the defendants. 20 MR. GARDE: If Your Honor please, 21 John Garde on behalf of the Johnson & Johnson 22 defendants. With me is Mr. Morton Dubin and 23 Mr. Kevin Hynes of King & Spalding. 24 MR. DUBIN: Good morning. 25 THE COURT: So, we left off yesterday</div>

<p style="text-align: right;">Page 276</p> <p>1 actually chrysotile, right; you're aware that he has 2 offered that opinion, correct?</p> <p>3 A. I would say yes, he has offered that 4 opinion. And he has done the most research on 5 polarized light microscopy dispersion staining, but 6 I don't believe he's done any research on the 7 chrysotile in cosmetic talcs.</p> <p>8 Q. Okay. And not only has he said, 9 based on being the most experienced person in 10 research in this type of analysis that what you are 11 calling chrysotile is actually talc, he has said you 12 are not properly following PLM dispersion staining 13 analysis methodology, correct?</p> <p>14 A. He has stated that.</p> <p>15 Q. And, for example, we had one example 16 of that during your testimony yesterday, for 17 example, you put a table up that was from one of his 18 publications, and we can just call up slide 161 19 first.</p> <p>20 And so, this is a PowerPoint actually 21 from Dr. Su but the table inside this is what you 22 were referring to yesterday when you were talking 23 about what the acceptable ranges of refractive 24 indices are for chrysotile, right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 278</p> <p>1 you take those and go on his chart, they do match 2 the appropriate refractive indice. So, my 3 intuition there is he has come up with a range that 4 is not -- covers all chrysotile.</p> <p>5 Q. Okay. But no question that you put a 6 slide up there yesterday in your examination from 7 his method, and he has told you you are wrong about 8 what this table means, and you still use it, right?</p> <p>9 A. Of course we still use it because the 10 range of what we're finding in something like 11 refractive indices, you know, there's a 1.567 in 12 EPA. According to Dr. Su, that would be out of the 13 range and you can't use his table. That 1.567 14 matches the refractive indices perfectly.</p> <p>15 And there's another one, like we just 16 looked at, is 1.538. According to Dr. Su, that 17 would be out of the range that you would call 18 chrysotile. So, I can't quibble with that's what he 19 says, that's what he thinks his chart is, but it 20 doesn't cover all the chrysotile minerals that are 21 out of the typical range.</p> <p>22 Q. And we're going to be talking a 23 little bit more about your failure to verify but -- 24 right -- the whole reason we're even having this 25 conversation, we're looking at is this yellow,</p>
<p style="text-align: right;">Page 277</p> <p>1 Q. And not only has he -- let's just 2 look at an excerpt from his report here. We could 3 go to slide 160.</p> <p>4 And what he says is, "I have created 5 and published procedures for reference tables that 6 help analysts measure RI values of the six regulated 7 asbestos minerals, including chrysotile. MAS relies 8 upon my procedure and tables as part of its PLM 9 analysis of Johnson's Baby Powder. However, 10 Dr. Longo completely misunderstood my reference 11 table and claimed that the RI range of my chrysotile 12 table represents the chrysotile's minimum and 13 maximum RI values. This is not true."</p> <p>14 And you're aware he said that, right?</p> <p>15 A. I am aware.</p> <p>16 Q. So, the author of the method that you 17 claim to be following is saying that you are 18 misinterpreting the method, right?</p> <p>19 A. He says we're misinterpreting the 20 method, however, if you look at some of the 21 reference chrysotile ranges, you have ranges of 22 chrysotile that are both in the area that we find 23 and also in the area that is outside what Dr. Su 24 says is appropriate. And if you take those, such as 25 what's found in EPA, what's found in others, and if</p>	<p style="text-align: right;">Page 279</p> <p>1 bright yellow, is this golden yellow, is it purple, 2 the whole reason we're having this conversation at 3 all is because we're talking about PLM dispersion 4 analysis, right, which is based on color, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. But if you had even once decided to 7 use TEM to verify your findings, you could look at 8 what you're calling chrysotile, you could get direct 9 information about crystal structure and chemistry 10 and know fairly simply is it chrysotile or is it 11 talc, right?</p> <p>12 A. Right.</p> <p>13 Q. Without talking about colors at all?</p> <p>14 A. Right, and we have done that. We 15 have now taken samples that we have said is 16 chrysotile in it with the same ranges we're talking 17 about and the ranges that Dr. Su says is out of his 18 table and have verified that it has chrysotile.</p> <p>19 Q. No, what I'm saying is you could look 20 at Johnson & Johnson with a TEM, take your 21 concentration method, if you think concentration -- 22 you could take the concentration, what you got, look 23 at it under a TEM analysis and find what you say is 24 chrysotile. And if you found it with TEM and you 25 had chemistry information and crystal structure</p>

<p style="text-align: right;">Page 280</p> <p>1 information, we wouldn't even be having to debate 2 whether you are calling particles the wrong color; 3 we would have hard data, right? 4 A. Well, we would have hard data but 5 what you're saying is not very fair. 6 We are analyzing samples and showing 7 chrysotile in it with the same methodology, the same 8 everything we're doing and, actually, one of the 9 Avon samples is a Vermont sample. 10 So, no, have we gotten to J&J yet? 11 You're going to have to be patient for that. So, I 12 look at it as we have now verified it a number of 13 ways. We have verified it by TEM in Avon samples. 14 We have verified it using the SG-210 as a standard 15 because it has the exact same -- not the exact same 16 but the same range of refractive indices and we're 17 not the only one finding chrysotile by TEM in these 18 cosmetic talcs, as we just saw. So that's also 19 verified. 20 Q. You say you haven't got into it yet. 21 But we looked and when you -- you started claiming 22 there was chrysotile and Johnson & Johnson finding 23 it back in 2020, right? 24 A. With PLM, that's correct. 25 Q. So, at minimum, even if we ignore the</p>	<p style="text-align: right;">Page 282</p> <p>1 workload that we're not doing any work on it, we're 2 doing the best we can. 3 Q. Let's break what you just said down 4 into two pieces. 5 First, you said we're not a research 6 institution, right, we are not a research 7 institution so why should we go and do this 8 additional work? 9 A. No. No, you mis -- 10 Q. Let me finish my question. 11 A. Okay. Sorry. 12 Q. You are currently charging \$50,000 13 retainers every time you are retained in a cosmetic 14 talc case, right? 15 A. Since May first of this year, that's 16 correct. 17 Q. And how many cosmetic talc cases 18 would you say that you're currently being retained 19 in? 20 A. Four or five. 21 Q. Okay. Over this entire -- let's say 22 this year? 23 A. Maybe six or seven. 24 Q. Currently, or how about last year, 25 how many cases?</p>
<p style="text-align: right;">Page 281</p> <p>1 fact that you began this work overall in 2016, 2 you've had four years, four years to look at 3 Johnson & Johnson talc with a TEM microscope and 4 prove that what you're calling chrysotile is 5 chrysotile with chemistry information and crystal 6 structure information, at least four years, right? 7 A. It's been four years but that's 8 absolutely unfair. We're a commercial lab. We're 9 not a research institute. Yes, if I -- if I was a 10 research institute or I was a university, I could 11 put a couple Ph.D. students on this where they would 12 be working on it full-time. We don't get funding 13 for that. So, it takes us a long time to go through 14 that. And the CSM method was not in, you know -- it 15 was not in a way from the methodology where we had 16 to work on it. Unlike the amphibole one, where it 17 had been published and there's a method for it, you 18 could go right in and start finding amphiboles. The 19 chrysotile one just had this protocol from Colorado 20 School of Mines where they're finding chrysotile by 21 PLM and did not do TEM on it. But we had to figure 22 out how to make the concentration method the most, 23 you know, efficient of extracting out the talc in 24 the chrysotile. That was not an easy thing. 25 You know, we may go days because of</p>	<p style="text-align: right;">Page 283</p> <p>1 A. Last year, I don't know. We didn't 2 start charging this retainer to help us in the 3 research last year. 4 Q. But you're not making enough money 5 where you could afford to have somebody, instead of 6 doing one PLM analysis, switch them over and look at 7 a TEM analysis to verify; that's what you're saying? 8 A. No, I'm not saying that. It's -- we 9 have -- we have samples that are due. Now we've 10 hired additional people and since we have now been 11 able to fund this, now we've started looking at it 12 by TEM. Now, the reason we did the TEM the way we 13 did is because another scientist by the name of Mark 14 Bailey took three Avon -- three Avon samples, used a 15 heavy liquid density separation method on it, CSM, 16 but he made some tweaks on it that we're now using, 17 and we wanted to do the first ones to verify what 18 that scientist found. So, now we have verification 19 from two different labs and, yes, we're going to 20 expand in it, and, yes, we've been hiring some 21 people now that we've got the \$50,000 retainer. We 22 got two new PLM analysts and we're looking for some 23 additional people to help move this along, but 24 before we got the retainers, we didn't have the 25 money to hire people.</p>

<p style="text-align: right;">Page 284</p> <p>1 Q. Let's look at the second thing that 2 you said. You said, well, we were still developing 3 the CSM method. You told Congress back in 2020 that 4 you had already cracked the code on a method to 5 concentrate for chrysotile and find chrysotile, 6 right? 7 A. That's untrue. 8 Q. It was untrue that you cracked the 9 code? 10 A. That I told Congress that. I told 11 Congress that we didn't have a method yet for 12 chrysotile, it was only amphiboles. 13 Q. We'll look at that. But your CSM 14 method was sufficiently developed back in 2020 that 15 you were using it for PLM, right? 16 A. Again, you're correct but you're 17 being unfair. We were using it for PLM but we were 18 finding that we were getting less in the 19 concentration method than we were with just looking 20 at it. We were finding that the chrysotile was 21 ending up in the pellet, which makes absolutely no 22 sense. So, we had to solve that riddle. 23 Q. But if you still had to solve the CSM 24 problem, if the CSM method wasn't reliable enough to 25 use for TEM, then it wouldn't have been reliable</p>	<p style="text-align: right;">Page 286</p> <p>1 chrysotile by PLM. That's what I was telling the 2 jury. I wasn't telling them that we still have 3 things to do on it but before we got the TEM, I 4 wanted it to be the message that we would publish 5 and say this is what you do. We had to solve all 6 these little issues. They weren't little issues, 7 they were -- they were scratch head issues. 8 Q. Okay. 9 A. So two different things. 10 Q. So, let's move back -- I'm sorry. 11 Are you done? 12 A. No. 13 Q. Okay. 14 A. If it is positive by PLM, that means 15 there's chrysotile in it. And what we were -- and 16 getting the exact amounts and getting the most 17 efficient extraction so that we could use it so we 18 knew in TEM that if it's there, we could detect. 19 That was the whole issue. 20 Q. Let's go back and reorient about what 21 else you've been talking. Let's just go to the 22 orientation slide, slide 1. A lot of people 23 couldn't see slide 1. 24 So, we sort of talked a little bit 25 about these first two things already but, as I said,</p>
<p style="text-align: right;">Page 285</p> <p>1 enough to use for PLM either? 2 A. That is so wrong. The PLM method was 3 showing it was there. We were getting positive 4 chrysotile but we weren't getting the full amount 5 that should have been in there. That's why we had 6 to go to -- we had to go to using the SG-210, one, 7 to figure out why is it going into pellet. Well, it 8 took time to do that. And you guys know in your 9 office, you know, somebody comes in and says, you 10 know, I need two more, you know, motions to strike 11 and if you don't have enough people, how do you do 12 it? 13 Q. So, when you were back testifying, 14 when you started testifying about your PLM work 15 using this CSM concentration method, did you tell 16 juries that, "Hey, wait, I'm presenting this about 17 my concentration chrysotile stuff by PLM but you 18 shouldn't be paying attention to this because the 19 method's really not worked out?" Is that what you 20 said about your method when you were testifying 21 about it? 22 A. Of course not. What I was telling 23 the juries is that we're finding chrysotile, it was 24 positive for chrysotile. It doesn't -- it may not 25 be the right amount but it's absolutely positive for</p>	<p style="text-align: right;">Page 287</p> <p>1 when we move from TEM which gives you just printouts 2 of data, when we start to change to a PLM dispersion 3 staining analysis, I think you actually said that 4 even people who use PLM to identify minerals in 5 practice usually don't do it this way where you have 6 to depend on color of the particle, the 7 birefringence; you said they usually use Michel-Levy 8 charts, right? 9 A. Correct. 10 Q. So, you selected not just a PLM 11 method, you selected one that would depend on 12 whether your analyst in your lab accurately picked 13 the right color for the analysis, right? 14 A. That's just like every lab. 15 Q. Okay. And that then, if you're an 16 analyst and, again, that means that an analyst, and 17 let's just -- has the ability, and I know we 18 disagree about whether this happened, but because of 19 the method you chose, the analyst has the ability to 20 change the results by picking a different color than 21 is observed under the microscope, right? 22 A. Any PLM analyst who wants to change 23 the colors could do that. We don't do that. And we 24 verified that by looking at chrysotile that was in 25 the same size range and gave the same, same ranges</p>

<p style="text-align: right;">Page 288</p> <p>1 of color. So, we validated what we were looking at 2 and, you know, I'm not -- and I'm not blind from 3 the, you know, the criticism of everything here 4 because it's outside the norm. 5 Q. Okay. And just again, so we 6 understand what we mean about why color is 7 important, why color is critical to this analysis, 8 let's go back to slide 142. 9 So, the way this analysis works is 10 you're trying to eventually get to a refractive 11 index number or two numbers actually in parallel and 12 perpendicular. And that's when you're going to do 13 your calculation based on those numbers to see what 14 the birefringence value is, right? 15 A. Correct. 16 Q. And what refractive index number you 17 have is driven by what color the analyst says they 18 are seeing, correct? 19 A. Yes, sir. As we went over this 20 yesterday, I agreed with you. 21 Q. So, if you see a particle that is 22 actually yellow, it will have a different refractive 23 index number than a particle that is purple, right? 24 A. That is correct. If it -- if it is 25 that purple.</p>	<p style="text-align: right;">Page 290</p> <p>1 the image, right? 2 A. No. If you look at the ends, you 3 know, one point, and you've got darker material 4 there, I can see -- I'd have to be on the microscope 5 but I can see some purple there. We have a mixture. 6 So that's what they chose. You know, we can argue 7 about this all day long but if you turn it -- you 8 know, that's what we called it and I stick by it. 9 Q. You stick by it, but slide 143, just 10 to understand how this matters again, the number 11 that goes into that calculation, so, all of the 12 number on the right, and last time I had this text 13 in purple, but, because the number that goes into 14 your birefringence calculation, the number that 15 you're subtracting the number from, that is based on 16 the analyst calling the particle purple; if it was 17 yellow, a different number would be there, right? 18 A. Okay. Can we go back to the other 19 one? 20 Q. Sure. 1 -- sorry, 54 -- 51, sorry. 21 1.564, that corresponds to purple. If it was, for 22 example, a yellow, then you would be in the range -- 23 in the yellow ranges. You'd have numbers like 24 1.579, 1.583, depending on how bright that is, and 25 we've talking about the brightness for illumination</p>
<p style="text-align: right;">Page 289</p> <p>1 Q. And so, for example, we went through 2 these images, slide 51, that we were not able to see 3 yesterday but this particle, as we discussed when I 4 just showed you a plain image of it, you told me it 5 was golden brown, right? 6 A. That's the main -- that's the main 7 color there. 8 Q. And yet by reversing the process, 9 because you actually give -- you see in the black 10 box down there, it says "RI 1564," right? 11 A. I do. 12 Q. So, we were able to reverse the 13 process to go from that RI to figure out what color 14 your analyst was calling this, what color your 15 analyst said they were seeing, and that is dark 16 purple, right? 17 A. You do have that in there but as I've 18 talked about yesterday, you don't get these really 19 nice colors. You'll get a mixture of them and it's 20 just over a process. So, that is one sample. But I 21 stick to what it is. That is chrysotile and I rely 22 on the analyst and I don't have a problem with that. 23 Q. And this particle that you're calling 24 purple chrysotile is essentially the same color as 25 all the talc plates that we see in the upper left of</p>	<p style="text-align: right;">Page 291</p> <p>1 ranges. 2 A. So, that's not yellow at all. I 3 appreciate that's what you see. 4 Say, we go down to, and we take 5 purple -- you would have something in the range of 6 about 1.576, 1.576 and 1.561 -- that's a 5100. You 7 are still in the range of what is accepted for 8 chrysotile. 9 Q. Okay. 10 A. So, if I -- 11 Q. According to you. 12 A. If I buy your evaluation here and 13 that is not the yellows that you're pointing out 14 there and I put in a .1576, I am still in the range 15 and that is not talc. 16 Q. Um-hum. 17 A. What you have in that right-hand 18 corner is talc. See that bright up there? Well, 19 that we're going to be down in the 420 to 410 range. 20 So, it's not talc. 21 Q. Dr. Longo, so, let's assume -- see 22 these rounded objects. Let's on the right instead. 23 Okay? There's one little rounded blue and there's 24 some rounded objects up there. Those are talc 25 plates, right?</p>

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1 CERTIFICATE OF OFFICER

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3 I CERTIFY that the foregoing is a true
4 and accurate transcript of the testimony and
5 proceedings as reported stenographically by me at
6 the time, place and on the date as hereinbefore set
7 forth.

8 I DO FURTHER CERTIFY that I am neither
9 a relative nor employee nor attorney or counsel of
10 any of the parties to this action, and that I am
11 neither a relative nor employee of such attorney or
12 counsel, and that I am not financially interested in
13 the action.

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16 ANDREA NOCKS, CCR, CRR

Certificate No. X100157300

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